



**CITY OF HUGHSON
CITY COUNCIL MEETING
SPECIAL**

**CITY HALL COUNCIL CHAMBERS
7018 Pine Street, Hughson, CA**

**AGENDA
MONDAY, JULY 21, 2014 – 6:00 P.M.**

CALL TO ORDER: Mayor Matt Beekman

ROLL CALL: Mayor Matt Beekman
Mayor Pro Tem Jeramy Young
Councilmember Jill Silva
Councilmember George Carr
Councilmember Harold Hill

FLAG SALUTE: Mayor Matt Beekman

INVOCATION:

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, state their name and city of residence for the record (requirement of name and city of residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. NEW BUSINESS:

2.1: Introduce and Waive First Reading of the Ordinance Amending Hughson Municipal Code Title 13 Chapter 13.04.340 – Water Conservation and Prohibition on Water Waste.

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

July 26	▪ Concerts in The Park, SUN Fest Round 2, Lebright Park, 6-9:30pm
July 28	▪ City Council Regular Meeting, City Council Chambers, 7:00pm
August 5	▪ National Night Out, Various Neighborhoods, 5-8:00pm
August 11	▪ City Council Regular Meeting, City Council Chambers, 7:00pm
August 12	▪ Parks & Recreation Commission Meeting, City Council Chambers, 6:00pm
August 14	▪ Jeff Denham's Mobile Office, City Council Chambers, 10:30-11:30am
August 19	▪ Planning Commission Meeting, City Council Chambers, 6:00pm
August 25	▪ City Council Regular Meeting, City Council Chambers, 7:00pm

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: July 18, 2014 **TIME:** 5:00pm

NAME: Dominique Spinale **TITLE:** City Clerk

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this Agenda will be made available at the City Clerk's counter at City Hall located at 7018 Pine Street, Hughson, CA.

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054



CITY OF HUGHSON AGENDA ITEM NO. 2.1

SECTION 2: NEW BUSINESS

Meeting Date: July 21, 2014
Subject: Approval to Introduce and Waive First Reading of the Ordinance Amending Hughson Municipal Code Title 13 Chapter 13.04.340 – Water Conservation and Prohibition on Water Waste
Enclosure: Ordinance No. 2014 – 03
Presented By: Daniel J. Schroeder, City Attorney

Approved By: _____

Staff Recommendation:

Approval to introduce and waive the first reading of Ordinance No. 2014 - 03 amending Hughson Municipal Code (HMC) Title 13 Chapter 13.04.340 – Water Conservation and Prohibition on Water Waste.

Background and Overview:

The State of California is currently in its third year of a drought. In January of 2014, the Governor issued a state of emergency declaration regarding the drought and encouraged conservation and water saving by all communities. Recently, the State Water Resources Control Board (“State Board”) issued regulations (“Regulations”) regarding urban water use restrictions. While the State Board does not regulate ground water, which is the sole source of water for the City of Hughson, the Emergency Regulations extend to all urban water suppliers regardless of the source of water. The restrictions are as follows:

1. The direct application of water to any hard surface for washing.
2. Watering of outdoor landscapes that cause runoff to adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures.
3. Using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle.
4. Using potable water in a fountain or decorative water feature, unless the water is re-circulated.

In addition, each urban water supplier is required to implement the maximum mandatory restrictions on outdoor irrigation in its water crisis plans.

The City of Hughson by Council resolution in 2005 and as amended in 2007 ("Resolutions") established water conservation and restrictions on the wasting of water in accordance with HMC 13.08.340 that establishes water conservation measures including most of those in the Regulations. While HMC 13.08.340 provides that violations of the Resolution constitute a violation of the Hughson Municipal Code, since the City needs to amend its conservation measures to add the prohibition of watering of hard surfaces, and since the Resolutions are more difficult for the public to locate, staff is recommending that HMC 13.08.34 be amended to add the majority of the language from the Resolutions directly into the Municipal Code.

In addition, the emergency restrictions have been revised to contain the State Board's Regulations as a separate subsection (F) for ease of amendment in the future should the State Board issue revised or further regulations. Finally, though the Resolutions already address restrictions on the dates and times for outdoor use of water, the Emergency Restrictions will further limit the times for irrigation to between 7 p.m. and 8 a.m.

Fiscal Impact:

There is additional fiscal impact associated with the proposed ordinance. As State regulations become more stringent there may be costs that would be incurred by the City of Hughson to implement and enforced and will be evaluated at that time.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2014 - 03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HUGHSON AMENDING MUNICIPAL CODE TITLE 13, CHAPTER 13.08.340**

WHEREAS, the City Council of the City of Hughson previously added Chapter 13.08.340 to Title 13 of the Hughson Municipal Code (“HMC”), pertaining to prohibitions on wasting water; and

WHEREAS, the Chapter 13.08.340 of the HMC allows the City Council to enact conservation measures by Resolution to establish conservation measures and prohibit the wasting of water; and

WHEREAS, the current resolution enacted by the City Council pursuant to Chapter 13.08.340 of the HMC was Resolution No. 2007-31 (“Resolution”); and

WHEREAS, the City of Hughson desires to amend its municipal code to codify the water conservation and water restrictions that are in the Resolution directly into the municipal code.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 13.08.340 of Title 13 of the Hughson Municipal Code is amended in full to read as follows:

“13.08.340 Water Conservation and Prohibition on Water Waste.

A. Purpose and Intent.

1. The City finds that water is an important and limited resource which all residents of the City of Hughson should conserve and avoid wasting. The purpose of this Ordinance is to establish conservation measures for all residents of the City to follow in using water as well as prohibit the wasting of water.

B. Waste of Water Prohibited. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer’s premises, the City may discontinue the services if such conditions are not corrected within five days after giving the customer written notice..

C. Outdoor Use of Potable Water. In accordance with the other restrictions identified herein, the following are the requirements and restrictions set for outdoor watering:

1. Irrigation of all exterior landscaping including, but not limited to, turf areas, open ground, crops, trees, grass, lawn, ground cover, shrubbery, or decorative

plantings using an irrigation system, hose, or outdoor potable water faucet shall be allowed only three days a week as follows:

- a. Odd-number addresses - Wednesdays, Fridays and Sundays between the hours of 7:00 p.m. and 12:00 noon.
- b. Even-numbered addresses - Tuesdays, Thursdays and Saturdays between the hours of 7:00 p.m. and 12:00 noon.
- c. Watering by hand (with cans, wands, hand-held hoses) is allowed on days as per address.

2. Vehicle, equipment or boat washing, is permitted on days and times as per address as set forth in HMC 13.08.340(B)(1)(a) and (b) providing a hand-held, automatic shut-off nozzle hose and bucket is used, and minimal runoff occurs, and is limited to one (1) washing per week.

3. Outdoor irrigation or vehicle, equipment or boat washing between the hours of 12:00 noon and 7:00 p.m., is PROHIBITED at any time.

4. Commercial and Fleet Vehicle Washing facilities are exempt from the preceding restrictions.

D. Water Using Equipment and Devices.

1. All evaporative coolers shall be equipped with operating recirculation pumps.
2. Decorative fountains, ponds, and other water displays shall be equipped with operating recirculation pumps, and shall not be operated during any water rationing emergency.
3. Automatic shut-off devices, such as a hose sprayer, shall be required on all handheld water devices.

E. Maintenance of Water Using Devices.

1. All irrigation systems, irrigation controllers, hoses, sprinklers, sprinkler heads, fountains, pools, connections, plumbing, and other water conveyance devices shall be maintained in good condition so as to prevent leakage, or unscheduled or unpermitted discharges of water or the unnecessary or excessive consumption of water.
2. All irrigation systems, controllers, sprinklers, sprinkler heads shall be properly designed, maintained, adjusted as frequently and completely as necessary to prevent the run-off of water beyond turf and landscaped areas, and to prevent run-off onto driveways, walkways, sidewalks, paths, curbs, gutters, streets, vehicles, buildings, fences, or adjacent properties.

3. All repairs necessary to comply with these provisions shall be completed within 24 hours after notification by the City of a violation.

F. Emergency Restrictions

1. The City Council may declare a water shortage emergency by resolution following a public hearing and upon finding that additional water use restrictions are necessary for the immediate protection of health and safety or are required by State law.

2. While a water shortage emergency declaration is in effect, all water conservation and waste restrictions in HMC 13.08.340 shall remain in effect and the following activities shall be prohibited:

a. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

b. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

c. The application of potable water to rinse down/off driveways and sidewalks;

d. The use of potable water in a fountain or other decorative water feature, except where the water is part of a re-circulating system;

e. Outdoor irrigation of lawns, ornamental landscapes, or turf with potable water, shall only be allowed between the hours of 7 p.m. and 8 a.m. on the days allowed as set forth in HMC 13.08.340(B)(1)(a) and (b).

3. A water shortage emergency declaration shall remain in effect until the City Council finds and declares by resolution that the water shortage emergency condition has abated, has changed in degree, or no longer exists.

4. Use of private wells shall be limited to the same use restrictions as that of the City water supply system.

5. Use of untreated, raw water from a non-city provider shall not be subject to these restrictions.

G. Reporting Violations. A person's name is kept confidential when they report a watering restriction. You can report violations in many ways; it helps to leave an exact address and the date and time of the violation. Anonymous reports of water use violations will not result in any notice of violation unless the infraction is witnessed by the Code Enforcement Officer or other designated city staff.

H. Penalties for Violations.

1. A violation of any provision HMC 13.08.34 is an infraction as specified under Chapter 1.12 (General Penalty) of the Hughson Municipal Code. In addition, persons cited for violations of HMC 13.08.340 may be required to pay for the installation of one or more of the following devices:

a. On automatic sprinkler systems, a moisture sensor may be required, when determined by the City. This is a probe placed in the ground that determines when the soil needs water and then turns on the sprinkler.

b. Drip irrigation systems.

c. Flow restriction devices for showers, and sinks.

d. Low-flow toilets.

e. Other water regulation or control devices.

I. Variances

1. The following circumstances may qualify for a variance to be issued by the City, at the sole discretion of the City, from portions of the water use restrictions:

a. Irrigation of new lawns and landscaping may be every day of the week for a 14-day establishment period; or until the second mowing; however, such irrigation is still prohibited between the hours of 12 noon and 7:00 p.m. An approved variance must first be issued by the City prior to any deviation in the irrigation schedule set forth in HMC 13.08.340(B)(1)(a) and (b).

b. An automatic system equipped with a moisture sensor approved by the City which effectively limits both the watering times and watering quantities in a manner deemed by the City to provide more effective water conservation measures.

c. Multi-property system maintenance. Owners of multiple non-residential properties, including commercial, industrial, and municipal uses may apply for a variance to the normal watering schedule dates, based on providing evidence that an alternate schedule will provide the equivalent water conservation measures.

d. Other circumstances determined by the Community Development Director to be in the best interests of the City.

2. All requests for variances shall be applied for on a form provided by the City, and a non-refundable fee shall be paid for the processing of the variance application form. The City may condition the terms of any variance. The City may revoke any exiting variance, or deny the issuance of a variance to any applicant found to be in violation of any water use restriction provision or variance condition. All variance decisions by the City Manager shall be final.”

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the meeting of the City Council of the City of Hughson held on, July 21, 2014, and by a _____ vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the foregoing ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 28, 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE, City Clerk

